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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
VANDERHORST, MARIA VICTORIA	
ART UNIT	PAPER NUMBER
4194	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/501,832	MIEDEMA ET AL.	
	Examiner	Art Unit	
	VICTORIA VANDERHORST	4194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *Feb 13/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

This communication is in response to application10/501832, filed on 07/19/2004.

Claims 1-10 are currently pending and have been examined.

Claims 1-10 have been rejected.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 1-10, the claim(s) are replete with indefinite references to drawings rendering the claims indefinite.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,165,071 Fanning et al. in view of US Patent 6,724,914 Brundage et al.

As to claim 1, Fanning discloses a system for distributing a multimedia object (212) (**Abstract**) in which a client device (101) downloads the multimedia object (212) (**Col. 3:40-49**) from a distributing server (201), whereby the client device (101) is connected to a peer-to-peer file sharing network (100) (**Fanning teaches that in his system the protocol used is Transmission Control Protocol (TCP). It is one of the standard protocols to transfer data between a pair of computers, peer-to-peer connection, Col 4:65-67)** and redistributes the multimedia object (212) over the peer-to-peer file sharing network (100) (**Fanning's system teaches how to distribute objects over a peer-to-peer file sharing network, Claims 1, 3, 4, 6 and 7**).

Fanning does not specifically teach that for redistributing the operator of the client device (101) is given a reward.

However, Brundage teaches an incentive or reward embodiment in his system that is a coupon forwarded to the user's email account in response to download an object (showing a watermarked object) (**Col 7:65-67, Col. 8:1-9**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Brundage's teaching into the system of Fanning so as to reward a client device that downloads a multimedia object from a distributing server whereby the client is connected to a peer-to-peer file sharing network,

thereby providing coupon or incentive to a client electronically sent to an user's email account, resulting in greater satisfaction for the merchant and the client.

As to claim 2, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1 under 35 U.S.C 103(a). The system further comprising keeping track of the number of times that the client device (101) redistributes the multimedia object (212) over the peer-to-peer file sharing network (100) (**Claim 5 of Fanning's reference, Col. 6:58-67**), but Fanning does not disclose rewarding the operator of the client device (101) in dependence on said number of times.

However, Brundage teaches in his system a reward for the operator of a client device in dependence on the number of times a multimedia object is redistributed (**Col 7:65-67, Col. 8:1-9**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Brundage's teaching into the system of Fanning, in order to provide a coupon or an incentive to a client as a result of having accounting capability in the server associated to data object downloads. This enhancement produces greater satisfaction for the merchant and the client.

As to claim 3, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1 under 35 U.S.C 103(a), but Fanning does not disclose a system that generates a reward and on which the reward constitutes at least

one of a discount on a price normally paid for downloading a multimedia object from the distributing server (201), a number of points for use in a bonus system, an electronic coupon (), a permission to download one or more further multimedia objects from the distributing server (201), metadata related to the multimedia object (212), and a ticket for an appearance of the performer(s) of the multimedia object (212).

However, Brundage teaches in his system the generation of a coupon provided after downloading a multimedia object (**Col 7:65-67, Col. 8:1-9**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Brundage's teaching into the system of Fanning, in order to provide a coupon or an incentive to a client as a result of having accounting capability in the server associated to data objects downloads. This enhancement produces greater satisfaction for the merchant and the client.

As to claim 5, Claim 5 contains limitations already addressed in claim 1. The claim is rejected in like manner.

As to claim 8, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1, 5 and 6 under 35 U.S.C 103(a), further Fanning discloses that in his system a request from a client device is forwarded by obtaining a fingerprint for the multimedia object (212) (**Col. 5:62-65**) and a query is submitted comprising the fingerprint to a node in the file sharing network (100). (**Fanning's**

system discloses that a request on a search engine takes place through a query to the database that contains the object stored, Col. 5 :66-67, Col 6:1-16).

As to claim 9, Claim 5 contains limitations already addressed in claim 1. The claim is rejected in like manner. Further in Fanning's system the distributing server performs the functions of the accounting server, such as counting and tracking the number of times that the client device downloads data objects (**Col. 6:58-67, Fig. 1**).

As to claim 10, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1 and 9 under 35 U.S.C 103(a). The system further comprising a tracking module (404) arranged for keeping track of the number of times that the client device (101) redistributes the particular multimedia object (212) over the peer-to-peer file sharing network (100), and for transmitting said number of times to an accounting server (110, 230) (**Fanning's system has an embodiment in which the client server and the recipient client are the same, Col. 5:50-65. Further in another embodiment , the search engine of his system (accounting server) keeps track of the number of times an object is download from a provider server, Col. 6:58-67**).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,165,071 Fanning et al. in view of US Patent 6,724,914 Brundage et al further in view of US Patent 6,681,029 Rhoads.

As to claim 4, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1 under 35 U.S.C 103(a), but Fanning does not specifically disclose a system further comprising obtaining an identifier for the operator of the client device (101) before distributing the multimedia object (212) and embedding the identifier in the multimedia object (212) by means of a watermark before the client device (101) downloads the multimedia object (212).

However, Rhoads teaches in his system obtaining an identifier for the operator of the client device (101) before distributing the multimedia object (212) (**Rhoads discloses in his system a secret key, associated with an user or client, incorporated in a private watermark embedded in an object, Col. 70:33-38**) and embedding the identifier in the multimedia object (212) by means of a watermark before the client device (101) downloads the multimedia object (212) (**Col. 70:5-68, Col. 71:1:24, Col. 45:53-60**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Rhoads's teaching into the system of Fanning, in order to provide a watermark protection to multimedia objects. This enhancement produces greater satisfaction for the merchant, encouraging business development.

4. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,165,071 Fanning et al. in view of US Patent 6,724,914 Brundage et al further in view of US Patent 5,649,013 Stuckey at al.

As to claim 6, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1 and 5 under 35 U.S.C 103(a), but Fanning does not discloses a system further comprising authorizing the request before forwarding the request to the file sharing network (100).

However, Stuckey teaches a system that authorizes a request to download software before forwarding the request to the file sharing network (100). (**Stuckey's system requests subscription, it has a registration process, Col. 2:63-67, Col. 3:1-10**).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Stuckey's teaching into the system of Fanning, in order to provide a protection capability to multimedia objects. This enhancement produces greater satisfaction for the merchant, encouraging business development.

As to claim 7, Fanning discloses a system for distributing a multimedia object as applied in the rejection of claim 1, 5 and 6 under 35 U.S.C 103(a), but Fanning does not discloses a system in which authorizing comprises obtaining payment from an operator of the client device (101).

However, Stuckey teaches a system that authorizes and obtains payment from an operator of the client device **(Col. 2:63-67, Col. 3:1-10)**.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to incorporate Stuckey's teaching into the system of Fanning, in

order to provide a payment capability for downloading multimedia objects. This enhancement produces greater satisfaction for the merchant, encouraging business development.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. US Patent 6,167,432 discloses the peer-to –peer paradigm where users are connected to each other without a central host.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on Monday through Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-6746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Maria Victoria Vanderhorst/

Examiner, Art Unit 4194

/V. V./

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4194